IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 5774 of 1995

Between:

1 Sanjeeva Reddy Collage of Physical Education, Penumantra
Rep.by it's Correspondent ,K.Satyanarayana Reddy, S/o. Kaniki
Reddy, Penumantra -534 124, West Godavari District.
2 K.Satyanarayana Reddy, S/o. Kaniki Reddy, Correspondent,
Sanjeeva Reddy Collage of Physical Education,
Penumantra -534 124, West Godavari District.
3 Sri Subbanna, S/o. Ranga Rao, Principal of Sanjeeva Reddy College
of Physical Education, Penumantra, West Godavari District.

..... PETITIONERS

AND

1 The Collector, West Godavari District, Eluru.
2 The District Social Welfare Officer, West Godavari District Eluru.
3 The Deputy Director, Social Welfare, West Godavari District Eluru.
4 The Mandal Revenue Officer, Penumantra (M),
West Godavari District
5 The Deputy Superintendent of Police, Kovvuru,
West Godavari District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, declaring the action of the 1st respondent in issuing proceedings in Roc.No.D1/934/94,dt.23.3.95 directing the 4th respondent to recover the sum of Rs.2,01,788/- from the 2nd petitioner and the 3rd petitioner herein by invoking the provisions of the Revenue Recovery Act and the further action of the 1st respondent in issuing proceedings of even No. and date directing the 5th respondent to initiate criminal action against the 2nd petitioner and the 3rd petitioner as arbitrary, illegal, unjust and violative of Fundamental rights guaranteed under Art.14 of the constitution of India and also violative of the principles of natural justice and issue a consequential direction not to give effect to the same, by accepting the amount of Rs.83,288/- towards balance amount payable to the 31 scholarship holders.

Counsel for the Petitioners: MR.S.SRINIVASA REDDY
Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court made the following ORDER:

The present writ petition is filed questioning the action of the first respondent-Collector, West Godavari District, in directing the fourth respondent–Mandal Revenue Officer, Penumantra Mandal to recover a sum of Rs.2,01,788/- from the second and third petitioners herein by invoking the provisions of the Revenue Recovery Act, and the further action of the first respondent in issuing proceedings directing the fifth respondent, Deputy Superintendent of Police, Kovvur, to initiate criminal action against them, as arbitrary, illegal.

The brief facts are that, pursuant to the affiliation given by the Andhra University, the first petitioner-college was established to impart physical education. For the academic year 1993-94, 75 and 50 students were admitted into B.P.Ed. and U.G.D.P.Ed. Courses respectively, out of which 17 and 14 students respectively were scheduled caste scholarship holders. They were accommodated in the hostel of the first petitioner. The second respondent did not release the scholarship amounts to the said students. The amount spent on them towards hostel charges arrived at Rs.1,18,500/- and the total scholarship amount that could be released to them is Rs.2,01,788/- After deducting the said hostel charges, the first petitioner-college has to pay Rs.83,288/- only to the students. While so, the second respondent released the amount in three spells. The first petitioner, after deducting the amount incurred by it, wanted to disburse the same among the students. But the first respondent without enquiring as to the cause for non-disbursing the amount granted by it, directed the fourth respondent to recover the amount from the second and third petitioners and also directed the fifth respondent to initiate criminal action against them. Hence, this writ petition.

Heard learned counsel on either side.

Perused the material on record. In the absence of any material to show that the Mandal Revenue Officer, the fourth respondent, has acted upon the letter issued by the first respondent directing him to recover the amount from the second and third petitioners, no interference is warranted in the writ petition.

The writ petition is accordingly, dismissed. No costs.

T. Meena Kumari, J.

2nd September, 2004

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To

1 The Collector, West Godavari District, Eluru.
2 The District Social Welfare Officer, West Godavari District Eluru.
3 The Deputy Director, Social Welfare, West Godavari District Eluru.
4 The Mandal Revenue Officer, Penumantra (M),
West Godavari District
5 The Deputy Superintendent of Police, Kovvuru,
West Godavari District

6 Two CCs to G.P. for Social Welfare, High Court of A.P. Buildings,
Hyderabad (OUT)

7 Two CD Copies